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United States of America

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

18	UNITED STATES OF AMERICA,	)	Civil No. C-07-6045 SC
		)	
19	Plaintiff,	)	IN ADMIRALTY
		)	
20	v.	)	REQUEST FOR AUTHORIZATION OF
		)	SERVICE OF PROCESS OF SUMMONS
21	M/V COSCO BUSAN, LR/IMO Ship No. 9231743,	)	AND COMPLAINT UPON FOREIGN
22	her engines, apparel, electronics, tackle, boats,	)	DEFENDANTS BY CLERK OF THE
	appurtenances, <i>etc.</i> , <i>in rem</i> , THE SHIPOWNERS')	)	COURT PURSUANT TO RULE
23	INSURANCE & GUARANTY COMPANY LTD.,	)	<u>4(f)(2)(C)(ii) OF THE FED.R.CIV.P.</u>
	REGAL STONE LIMITED, FLEET	)	
24	MANAGEMENT LTD., and JOHN COTA, <i>in</i>	)	(SERVICE BY REGISTERED
	<i>personam</i> ,	)	INTERNATIONAL MAIL BY CLERK OF
25	Defendants.	)	THE COURT UPON DEFENDANTS
		)	REGAL STONE LIMITED AND FLEET
26		)	MANAGEMENT LTD.)

No defendant parties have yet appeared or answered in this action. Plaintiff, United States of America, requests that, pursuant to Rules 4(h)(2) and 4(f)(2)(C)(ii) of the Fed.R.Civ.P., the Court authorize the Clerk of the Court to serve the Summons and Complaint *via* registered international mail upon the following two foreign defendants: REGAL STONE LIMITED and FLEET MANAGEMENT LTD. Both defendants are foreign entities headquartered in Hong Kong, Special Administrative Region (“SAR”) of the People's Republic of China.

Hong Kong and the United States are parties to the Hague Convention on the Service Abroad of Judicial and Extra-Judicial Documents in Civil or Commercial Matters (20 U.S.T. 361, T.I.A.S. 6638; 28 U.S.C. (Appendix following Rule 4 FRCvP); 16 I.L.M. 1339 (1977)). The Hague Service Convention provides, *inter alia*, for service by international registered mail unless the relevant country has reserved its rights for such type of service. *See, Brockmeyer v. May*, 383 F.3d 798, 804-05, 2004 A.M.C. 2269 (9<sup>th</sup> Cir. 2004) (discussing Rule 4(f)(2)(C)(ii)). Hong Kong has not made any such reservation.

Rule 4(h)(2) of the Fed.R.Civ.P. provides that service on a foreign corporation, partnership, or unincorporated association may be made in accordance with the procedures set forth in Rule 4(f) of the Fed.R.Civ.P. In *Brockmeyer v. May*, the Ninth Circuit discussed in detail the various provisions of Rule 4(f), including the international mail provisions of Rule 4(f)(2)(C)(ii). The Court stated, *id.*, 383 F.3d at 804-05 (emphasis in original):

This rule authorizes service abroad by mail for which a signed receipt is required, when such mail is addressed and mailed by the clerk of the federal district court in which the suit is filed. It provides:

(f) [S]ervice ... may be effected in a place not within any judicial district of the United States:

(2) if there is no internationally agreed means of service or the applicable international agreement allows other means of service, provided that service is reasonably calculated to give notice:

\* \* \*

(C) unless prohibited by the law of the country, by

\* \* \*

(ii) *any form of mail requiring a signed receipt, to be addressed and dispatched by the clerk of the court to the party to be served* [.]

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For the reasons set forth above, the United States requests that the Court issue the proposed Order filed herewith, authorizing the Clerk of the Court to serve the Summons and Complaint upon defendants REGAL STONE LIMITED and FLEET MANAGEMENT LTD. *via* registered international mail at the following addresses:

Regal Stone Limited  
Room 1603, 16<sup>th</sup> Floor  
MassMutual Tower  
38 Gloucester Road  
Wanchai, Hong Kong

Fleet Management Ltd.  
Room 1703, 17<sup>th</sup> Floor  
MassMutual Tower  
38 Gloucester Road  
Wanchai, Hong Kong

Dated: December 17, 2007.

Respectfully submitted,

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